

Carlisle Conservation Commission
April 25, 2013

Pursuant to the notice filed with the Town Clerk, Chair Kelly Guarino called the meeting to order in the Clark Room at the Town Hall at 7:35 p.m. Also present were Vice Chair Luke Ascolillo and Commissioners Tom Brown, Tom Brownrigg, Jen Bush and Lee Tatistcheff. Conservation Willard was also present. Commissioner Peter Burn was not present.

Land Use Permits:

*Bush moved to issue a Land Use Permit to the **Old North Bridge Pony Club** to conduct a spring Lessons Series at Foss Farm on May 18 and June 22, 2013 from 9 a.m. to 12 p.m. and to allow routine area maintenance as previously discussed with the Commission, Tatistcheff seconded and all voted in favor.*

*Tatistcheff moved to issue a Land Use Permit to the **Nashoba Valley Pony Club** to conduct Pony Club Mounted Sessions at Foss Farm on Saturday, May 18, 2013 from 1 p.m. to 4 p.m., Brown seconded and all voted in favor. The Commission supported Willard's suggestion that she discuss potential maintenance support activities they may undertake to assist with projects routinely performed by the Old North Bridge Pony Club in exchange for the use of the riding facilities.*

Elliott Conservation Restriction #65: As the Commission's liaison to the Conservation Restriction Advisory Committee (CRAC), Bush reported that they had voted at their April 16, 2013 meeting to recommend that the Commission accept the grant of Conservation Restriction #65 and that the Board of Selectmen approve this grant. *Guarino said she would accept a motion to accept the grant of CR #65 from the Sudbury Valley Trustees. The motion was moved by Tatistcheff, seconded by Bush and all voted in favor.* Assuming a positive outcome at Town Meeting on April 29, 2013, the Commission will sign the CR and the Purchase and Sale Agreement, and the Board of Selectmen will sign the CR at their May 14, 2013 meeting. The closing for the transfer of real estate is scheduled for May 30, 2013.

7:45 p.m. Recreation Commission (RecCom) - Spaulding Field to Banta Davis Boardwalk: Recreation Commission Chair Rick Amodei was present to request the Commission's formal support of RecCom's CPC Request for funding of a boardwalk connecting Spaulding Field to Banta Davis. He recalled discussing the project on an informal basis with the Commission two years ago, but they were forced to put the project on hold due to funding deficiencies associated with CPA requirements. The present CPC request would provide up to \$152,000 for engineering, design and construction for the proposed 300-foot boardwalk. Pending approval of the CPC request, RecCom will then submit a Notice of Intent for the project. Amodei said the Trails Committee has agreed to assist them with the details of the filing, including potentially reducing the length of the boardwalk in order to reduce project costs and limit environmental impacts. The Trails Committee has also agreed to provide assistance with the engineering based on their experience with the Benfield Boardwalk project. Willard noted that the existing trail connecting Spaulding Field to Banta Davis requires traveling on the street; therefore the proposed boardwalk provides a safer alternative for users.

Brownrigg moved that the Commission support the Recreation Commission's CPC Funding Request at Town Meeting for the construction of a boardwalk connecting Spaulding Field to Banta Davis, Tatistcheff seconded and all voted in favor.

Brown inquired about funding for routine, long term maintenance of the boardwalk. Amodei said that although they do not have a line item in their budget, they will assume responsibility for maintaining the structure, which is estimated to last a minimum of 20 years.

8:00 p.m. (DEP #125-0937) Notice of Intent

Applicant: Kristin Ferbert

Location: Lot 1, 32 Johnson Road

Project Description: Grading associated with the installation of a soil absorption system within 100-feet of a Bordering Vegetated Wetland

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan for grading associated with the installation of a soil absorption system for a new single-family dwelling within the Hanover Hill development. All work associated with the project is outside of the Buffer Zone with the exception of the breakout grading and a portion of the backyard.

Willard reported having conducted a recent site visit during which she observed a fair amount of invasive plant species including Burning bush, Multiflora rose, Japanese barberry and Common buckthorn, among others, and suggested the Commission consider including a Continuing Condition allowing the removal of exotic invasive plants located within the resource area and/or buffer zone.

Brownrigg asked whether the wetland delineation for this project that was part of the ORAD issued in 2006 had expired because it looked to be an outdated delineation. Willard explained that the ORAD may have expired in August 2009, but there was an Order of Conditions issued for Johnson and Hanover Roads based on those delineations, therefore the delineations were captured under the Permit Extension Act. Given the time that has passed since the ORAD was issued, Willard requested and received confirmation from Ewing that the wetland flags had been replaced at the project site.

With no further questions, Brown moved to close the hearing for DEP #125-0937, Ascolillo seconded and all voted in favor. Brown moved to issue a Standard Order of Conditions with a Continuing Condition allowing the manual removal of exotic invasive plants located within the Commission's jurisdictional area, Tatistcheff seconded and all voted in favor.

Elliot Preserve Baseline Assessment: Willard reported having spoken with Dan Stimson, Assistant Director of Stewardship for the Sudbury Valley Trustees, relative to establishing a plan for obtaining a Baseline Assessment of the Elliott property. Guarino suggested the Commission postpone addressing the details of coordinating a plan until acceptance of the CR is voted upon at Town Meeting.

Summer Meeting Schedule: The Commission will tentatively retain their standard meeting for the summer subject to adjustments based on current activities as follows: June 13 & 27; July 11 & 25; August 8 & 22, 2013.

8:15 (DEP #125- 0939) Notice of Intent

Applicant: Priscilla Stevens

Location: 871 Maple Street

Project Description: Repair of home, deck and removal of 17 trees and planting of native shrubs all within the inner 100-foot Riverfront Area and within the 100-foot Buffer Zone of a Bordering Vegetated Wetland

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Property owners Jonathan and Priscilla Stevens were present to review the proposed plan. Priscilla Stevens thanked Willard for her invaluable assistance in helping them navigate the filing process. She said that their home had been seriously damaged by a large white pine during a rain/wind storm on January 31, 2013, causing damages in excess of \$30,000. The damage caused by the fallen tree prompted them to look at other trees on the property that may be a potential safety hazard. They have based their plan for removal of 17 pines on this exercise, and will provide a planting plan for revegetating the area with native plants and shrubs. They will be repairing the damaged deck but do not plan to change the footprint in any way. All of the staging equipment associated with the tree removal will be located in the driveway. The trees to be removed will be cut to ground level and the stumps will be left intact.

With no further discussion, Tatistcheff moved to close the hearing for DEP #125-0939, Ascolillo seconded and all voted in favor. Brown moved to issue a Standard Order of Conditions with a Continuing Condition allowing the manual removal of exotic invasive plants by hand or hand tool within the Commission's jurisdictional area on this property in order to provide protection to the wetland resource habitat. A control and replanting plan shall be provided to the Commission indicating the plants to be removed, their location, the disposal method and proposed replacement plants. Ascolillo seconded the motion and all voted in favor.

8:30p.m. (DEP #125-0938) Notice of Intent

Applicant: Paul Gaboury

Location: 82 Johnson Road (Lot 3 Hanover Hill)

Project Description: Grading associated with the installation of a soil absorption system

Guarino opened the hearing under the provisions of the Massachusetts Wetlands Protection Act and the Carlisle Wetlands Protection Bylaw. Ben Ewing of Stamski and McNary presented the Plan for the grading associated with the installation of a soil absorption system for a single-family dwelling. The soil absorption system and proposed dwelling will be located greater than 100 feet from the BVW. The limit of work line is approximately 50 feet from the BVW at the closest point.

Willard raised the issue that the area where they are proposing clearing is on a very steep grade, and there is no work proposed for much of the area to be cleared nor an apparent plan for replanting. The applicant said that the reason for extending the clearing back is to provide flexibility to a potential buyer, when in fact the odds of doing anything in that area where the grade is so steep are minimal. He said that his siltation fencing will not likely extend back as far as shown on the plan because he doesn't want to disturb the area unless a potential buyer says they want this area cleared. Willard said that one of the issues of concern is there is the steepness of the slope where there is no other proposed grading in the area with the exception of trimming the grade out on the septic end. She said it would be extremely difficult to mow and would likely just start filling back in with invasive plants.

Guarino said she did not have any real issue with the proposed clearing in order to open up the lot from the east if that is a desirable way to prepare the lot. Gaboury said he had developed the adjacent lot, and the trees in back are all hardwood so buyers were not too concerned, however, many of the pines on Lot 3 are 50-60 foot pines which can pose a safety hazard. Removing them would also provide more light. Bush asked to confirm that the primary reason for the clearing is to open up the lot to more sunlight as a selling point.

Gaboury said it is about having the flexibility to clear if a buyer wants it done and he may as well deal with the issue while he is before the Commission relative to the septic system. That's why he has the haybale line for the limit of work at 50' instead of 100'. Tatistcheff noted that if a future property owner wanted to do something different in the cleared area they would be required to submit a filing.

With no further questions or comments, *Tatistcheff moved to close the hearing for DEP #125-0938, Ascolillo seconded, and all voted in favor.* Guarino asked if there was any additional discussion. She reiterated the fact that she did not have an issue including the flexibility to clear the additional green area because some of the clearing would need to be done for the bumpout grading for the septic anyway. Bush said that her hesitation on this component of the project is that when the Commission considers clearing trees in the buffer zone, they typically require specifics based on a plan along with a specific reason – not just to improve the marketability of the property. Gaboury said that the clearing would also address the safety factor because the pine trees are 50-60' feet tall and have small root systems, so they are more likely to go over. Brown, who had recently submitted an RDA for tree removal, said that all trees within the buffer zone must be identified on a plan including location and diameter.

Willard said she just realized that she had neglected to mention that the Board of Health has not yet completed its review of the proposed septic plan. Guarino said it was her understanding that the Commission could close and deliberate on voting for up to 21 days; therefore, they could vote on the Orders of Conditions at their May 9, 2013 meeting. *Tatistcheff moved to rescind her prior motion to close the hearing for DEP #125-0938 due to the fact that the Board of Health has not yet completed their review and there are facts that were not in evidence when the hearing was closed, Ascolillo seconded and all voted in favor.*

The Commission informed the applicant that he will be required to provide a plan which identifies the location, species and diameter of all trees over 8 to 10 inches in diameter that are proposed for removal, as well as providing a proposal for post-tree removal stabilization of the area for the Commission's review. *The hearing was continued to May 9, 2013 at 8:45 p.m. with the applicant's approval.*

8:50 p.m. Enforcement Order (DEP #125-0893)

Luciano Manganella

383 River Road

Work on Map 1 Parcels 1, 1A, 1B, 3, 3B, Lots 1, 4 & 5

The Commission had scheduled this time on the agenda to discuss the issues relative to the unpermitted land clearing, including tree and shrub removal, within the Riverfront Area, the Buffer Zone of a BVW, and in violation of the terms of the Orders of Conditions for DEP #125-0893. The property owner, Luciano Manganella, was present at the Commission's request to discuss appropriate actions moving forward since the Enforcement Order had been finalized at their April 11, 2013 meeting. Willard said she has been in touch with George Dimakarakos of Stamski and McNary relative to the filings, which are due on or before May 23, 2013 in accordance with the Enforcement Order.

Manganella informed the Commission that he had attended the April 22, 2013 Planning Board meeting and has also recently met with his engineer, George Dimakarakos of Stamski and McNary, at the property to discuss the situation and determine the appropriate actions needed in terms of filings. At that time, Dimakarakos suggested that the entire property be surveyed and flagged in order to confirm the locations and extent of the violations. The property owner said that he has also had an opportunity to meet with Willard at the site, and he believes he now knows what needs to happen from here.

Also present for the discussion was Planning Board Chair David Freedman, who said that getting the property flagged will allow a baseline for understanding of the violations for both the Commission and the Planning Board given the size of the property. The Commission had been informed previously via memo dated April 11, 2013 that the property owner had violated the conditions of the Special Permit under which the common driveway was approved by the Planning Board in 2011.

Freedman said that the Planning Board has scheduled a site walk on May 8, 2013 at 5:30 p.m. to be attended by the applicant's engineer and Planning Board Engineering Consultant Steve Ventresca of Nitsch Engineering. He encouraged members of the Commission to join them prior to their planned 6:30 p.m. site visit if they are available at that time.

Freedman also suggested setting up an internal meeting with representatives from the Planning Board and ConsCom, Zoning Enforcement Officer John Luther and possibly town counsel, in order to determine specifically what violations have occurred, how to deal with them and appropriate remediation requirements. Tatistcheff recommended that Freedman review open meeting requirements relative to this type of meeting. Freedman said he would be consulting with town counsel relative to the open meeting law requirements and, if necessary, may conduct the meeting in an Executive Session.

Guarino said that from the Commission's perspective, what they typically want to see in dealing with Enforcement Orders is two fold—1) if the violation is something that could not have been permitted, even if it had been requested in advance of the unpermitted activity, or 2) something that could have been permitted, we want to see the permitting process go through. In both approaches, you are protecting the wetland resources. She told the property owner that it sounded like he had good plans for his property and the hope is that he is able to do what he wants within the appropriate parameters.

The property owner said that it is very difficult to understand without seeing it and that the boards will be able to see exactly where the drive is going to be located now that Stamski and McNary has staked the area. He said that he did not intend to interfere and that a few things that were done were done unintentionally and without a true understanding of the boundaries. He reported having met with Nicholas Holmes, Trustee for the Rachael Webster Elliott Trust, at the site and has discussed his plans with him. Holmes has agreed to provide a letter to the Planning Board indicating the Elliott family's approval of the work he has done.

Guarino thanked the property owner for coming to discuss the situation with the Commission.

Towle Field Maintenance: Willard reported having placed an ad in the *Carlisle Mosquito* announcing the open forum at the Commission's May 9, 2013 meeting during which they will request public input on invasive plant management options for Towle Field.

Acknowledging the fact that they will still need to consider regular mowing maintenance on Towle and Benfield, the Commission approved running a separate advertisement in the *Carlisle Mosquito* requesting mowing bids for both properties.

Benfield Conservation Land Maintenance: Brown reported little progress in his efforts to coordinate maintenance responsibilities for the well and septic field for the Benfield Farms Senior Housing Development with the Housing Authority. He said he wants to communicate with them in order to confirm that the Commission is adequately sharing responsibility for maintaining the area and although the mowing is funded for the current fiscal year, the question is ongoing maintenance.

He intends to propose to the Housing Authority that they jointly obtain a separate line item for both budgets because he does not want the ongoing maintenance of this field to adversely affect the Commission's ability to address other land maintenance responsibilities and objectives. Tatistcheff said the point is that the Housing Authority also needs to maintain the field in a manner that actually permits mowing so for them to own the mowing expense makes them consider the impact on the maintenance costs of the decisions they make.

Draft Wetlands Regulations: Willard said she was in the process of drafting a response to MassDEP's proposed changes to the WPA regulations, with comments due by May 30, 2013. She said that some of her greatest concerns are relative to lack of clarity on provisions for Exempt Minor Activities. Brown said that he had reviewed the proposed regulatory changes and would be willing to provide comments as well.

Town Meeting Warrant Article Comments: Guarino agreed to speak at Town Meeting on behalf of the Commission's support for the following Warrant Articles: acceptance of the Elliott Conservation Restriction; establishment of an Agricultural Commission; support for funding the Spaulding to Banta Davis Boardwalk.

Conservationist of the Year Award: Willard reported that arrangements have been made to place advertisements for nominations in the May 10 and May 17 *Carlisle Mosquito* and that she is in the process of coordinating the artwork for this year's award.

Benfield Construction Update/Trail Access: Willard reported that the site contractor, Dellbrook Construction, is now in the process of excavating for the replication area this week. She noted that there is now is trail access from South Street, with parking temporarily located at Spencer Brook.

10:00 p.m. *Tatistcheff moved to adjourn, Brownrigg seconded and all voted in favor.*

Respectfully submitted,
Mary Hopkins
Administrative Assistant

DOCUMENT REGISTER:

RE: 871 Maple St/DEP 125-0937: 1) photographs of storm damage to home; 2) revised tree removal plan